

WASHINGTON.

American and British Legislation on the Subject of Extradition.

THE ACT OF CONGRESS OF 1848.

General Schenck To Be Exonerated from Fraud and Convicted of Impropriety.

EX-GOVERNOR WISE ON THE PRESIDENTIAL QUESTION.

The President of the Union Pacific on the Sinking Fund of the Road.

FROM OUR REGULAR CORRESPONDENT.

OUR EXTRADITION TREATY WITH ENGLAND—

THE TRUE INTENT AND MEANING OF THE ACT OF CONGRESS OF 1848 AS SHOWN BY THE DEBATE PRECEDING ITS PASSAGE—WHEREIN IT DIFFERS FROM THE ACT OF PARLIAMENT ON THIS SUBJECT.

The statement made by parties in Washington that the Revised Statutes contain a law passed in 1848 intended to define and limit the conditions under which a fugitive from England could be extradited, is supposed to have been inspired by British influences here with a view to nullifying the argument of Mr. Fish that the act of Parliament of 1870 was at best *ex post facto* and could not apply to the Ashburton treaty. In short, it was said that the English act of 1870 was only an amplification and repetition of our law of 1848. The law of 1848, referred to in this charge, simply makes it lawful for the Secretary of State, "under his hand and seal of office to order the person so committed to be delivered to such person as shall be authorized in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused; and such person shall be delivered accordingly." The thing is alleged to be in the tail of this short paragraph, but the assertion that the foreign government was intended to be bound to try the extradited person for the crime of which he was originally accused and no other, is borne out neither by the wording of the law nor the reasons given in the debate in Congress in 1848 for the passage of the law, nor by the practice under it. On the contrary, the pages of the *Congressional Globe* of that year show that the law was enacted in order to assist the operation of the extradition treaty, and not to obstruct it or load it with conditions. The terms of the treaty did not specify what authority, judicial or executive, should make the act of surrender of the fugitive, and it was at first proposed to vest this power in our judges, down to as insignificant an official as Justice of the Peace. But in the amendment of the bill, in its discussion by both houses of Congress, this power was eventually delegated to the Secretary of State. The assertion that it was meant to restrict the trial of the surrendered person in a foreign court to the crime for which his extradition was asked is also disproved by the language of the debate. Turning to the proceedings of the House or Representatives on the 23d of June, 1848, we find that Mr. J. R. Ingersoll, from the Committee on the Judiciary, reported "A bill for giving full effect to treaties of extradition." The bill was read a first and second time, when and the exact language of the *Congressional Globe* is now quoted—"Mr. Ingersoll asked the indulgence of the House for a few moments, while he stated the object of this bill, and then he hoped it would be the pleasure of the House to put it upon its passage. It was known to the House that by treaty stipulations made with more than one government of Europe we were bound to deliver up fugitives who had fled from justice on the commission of crime. Cases were familiar to everybody which showed that it was necessary to enlarge the facilities to comply with our obligations. It often happened that an individual came to this country where the crime was obvious and the application for the fugitive regular, but there were no such officers in the part of the country where the fugitive was found as were authorized or were willing to take on themselves the burden and weighty responsibility of issuing a warrant to arrest and to take the preliminary proceedings toward sending over to the individual to the properly authorized officer. The object of this bill was to appoint officers, and to authorize them to carry out the provisions of the treaties with France and England at all times without delay and the danger of a denial of justice. It provided for the appointment of commissioners, or authorized the courts of the United States to appoint commissioners to take the preliminary steps and to procure the authority of the Secretary of State, to whom the treaties give authority to deliver up fugitives to foreign countries for the accomplishment of the desired object. If the House would pass this bill it would be to the government a matter of gratification. The Secretary of State desired it to pass. He (the speaker) had just had a correspondence with the *Charge of the British Government on the subject, and he desired it to pass, and by Canada asked the passage of this bill, and it would be looked upon as an act of great propriety."*

The bill was then read the third time and passed. Going to the Senate it was amended and came back to the House, where a committee of conference deliberated, upon it and reported the bill to both houses, and it then passed finally in the shape in which it now stands in the Revised Statutes.

SILVER CURRENCY—PROSPECTS FOR THE PASSAGE OF MR. FOSTER'S JOINT RESOLUTION.

Mr. Foster's joint resolution for an issue of silver in return for greenbacks will be renewed on Monday morning, and according to his assurances, as he states, it will be carried by a two-thirds vote. It has been made evident that this will be a measure of greatly reduced relief, because there has been within the few days past a painful imposition to change a five-dollar note into the paper contemplated by Mr. Foster shall pass immediately there will be a dearth of fractional currency here, and a failure also of the accommodation of silver promissory by the Treasury Department under the law directing the issue of silver coin.

EX-GOVERNOR WISE ON THE NOMINATION AT ST. LOUIS—GENERAL HANCOCK HIS FAVORITE—HIS ANTAGONISM TO THE CONSERVATIVE PARTY OF VIRGINIA.

Ex-Governor Wise, of Virginia, in a conversation with some gentlemen here about the democratic candidacy for President, said that if the Northern democrats would nominate General Hancock he would support him. He said also that Hancock's name would give great strength to the ticket, and he thought he could be elected. He spoke very flatteringly of his papers while he was military Governor of Texas under reconstruction. Mr. Wise avowed himself as being unopinionated in the straight out doctrine of the old democratic party and named some very severe strictures on the liberal republicans and conservative parties, which he characterized as being entitled to no consideration, as they were composed of every nondescript element—a sort of *olla podrida*.

Mr. Wise, though enfeebled by age and a recent severe attack of sickness, has still left much of his old fire, as was evidenced in the telling manner in which he conducted his argument in behalf of Mr. Platt. He leaves for his home at once, but remarked that if such a man as General Hancock could be put in the field for President he would take the stump and, if necessary, fight for him. He entertains an uncompromising hostility toward the conservative party of Virginia. He stigmatized them as having out-cavaliered the scalawags and out-carpet-bagged the carpet-bagger.

GENERAL WASHINGTON DESPATCHES.

WASHINGTON, May 5, 1876.

JOHN DAVENPORT'S SCHEME FOR THE PREVENTION OF FRAUDS—THE LAWS UNDER WHICH HE ACTED AND BY WHICH HE WAS PASSED.

The Committee on Expenditures in the Department of Justice met again to-day and continued the exam-

ination of John I. Davenport. Witness was requested to name the different laws under which he had performed the duties which he had spoken about, and he gave the act of May 31, 1870, to enforce the rights of citizens to vote in the States and Territories; also the act of July 14, 1870, to amend the Naturalization laws and to punish violations of the same; the Appropriation bill of 1875 and an act amending the act of July 14, 1870, and one to amend the act of May 31, 1870. Witness explained his influence in obtaining the passage of the clause in the Appropriation bill amending the law, but had nothing to do with the appropriation itself; was attorney for the Union League Club at the time and was also clerk of a Congressional committee.

In reply to Mr. Caulfield, the witness explained the difference between the Committee of Seventy and the Union League Club.

Q. What members of Congress helped you to get these bills passed? A. Judge Bingham, of Ohio; Judge Lawrence, of Ohio; Mr. Dawes, of Massachusetts; Mr. Dickey, of Pennsylvania; Governor Blair, of Michigan; Senators Edmunds, Conkling, Cook, and members of the Judiciary Committee generally.

Q. Did any of the democrats help you? A. No, sir; I believe every democrat voted against the bill.

By Mr. Joyce—What was the nature of their opposition?

Mr. Caulfield objected to the question, but after some discussion the witness was allowed to answer the question, and he said he could only judge by the speeches they made, and it was principally that the law would prove oppressive to the people of the South.

Q. What was the effect? A. To prevent thousands of fraudulent votes.

Witness was employed by the Union League Club, and by no one else, to aid in the passage of these laws. Never paid any member of Congress or any other person a single cent or anything else toward obtaining the passage of these laws. Witness explained the provisions of the law, and said it was applicable in every city of 30,000 inhabitants.

In reply to Mr. Caulfield he said it would be as effective to prevent republican frauds in Philadelphia as democratic frauds in New York; he had tried to enforce the law impartially, and prevented at least one-half of the clerks of both parties who came to New York from Washington to vote from voting, because they could not prove a residence there; only that night he was waited upon by gentlemen here and asked if he intended to stop the clerks from voting in 1876 as he did in 1875, and he replied emphatically yes, and they then asked him what they could do to help him comply with the registration law. He wished to make the statement to show that the law was executed, no matter who it hit.

The committee then adjourned the further examination of Mr. Davenport until Tuesday, May 16.

THE EMMA MINE—GENERAL SCHENCK'S COUNTERCLAIM OF CLEARANCE UNDER THE LETTERS—GENERAL SCHENCK TO BE EXONERATED FROM THE CHARGES OF FRAUD.

The following letter was yesterday transmitted to the Committee on Foreign Affairs by the counsel for General Schenck:

WASHINGTON, May 4, 1876.

SIR—When, yesterday, the Hon. Clarence King was presented by a member of the committee I commented that it should not go upon the record, because I did not think it was such a letter as Mr. King would wish to have published. I am sorry to say that Mr. King's letter has appeared in the newspapers, and I now request that it, with this note, may be printed in your report.

I was moved to this action yesterday by several considerations. Mr. King says in his letter, "June 19, 1875, is the date of my first visit to the mine." His report in evidence before you bears an earlier date, June 11, 1875. His evidence in a case in Nevada, on page 53 of your report, shows that he had examined and formed his opinion about the Emma mine as early as "five years" long before. Besides, I did not think the letter of his would add weight to his opinion. I thought that at that time he was not in a position to speak upon the record and be tested by the future of the Emma mine. Yours truly, L. K. CHITTENDEN.

Hon. Thomas C. Spencer, Chairman.

The committee on Foreign Affairs to-day appointed a sub-committee, consisting of Mr. Swann, the chairman, and Messrs. Hewitt and Parker, to prepare the report in the Emma mine case. From the tenor of the private conference of members it is inferred the report will relieve General Schenck of any charge of fraud, but will express the opinion that his becoming a director in the Emma mine was a matter of incompatibility with his position as American Minister.

THE INTERESTS OF THE UNION PACIFIC RAILROAD TO THE GOVERNMENT—LETTER OF THE PRESIDENT OF THE ROAD ON THE PROPOSITION TO MAKE A RECONVEYANCE OF LANDS.

The following letter from the President of the Union Pacific Railroad Company was received by the House Judiciary Committee to-day in response to its recent request for the submission, within ten days, of some proposition for the conveyance of a relinquishment of land which shall not include an offer to reconvey to the government any portion of the land granted:

UNION PACIFIC RAILROAD, PRESIDENT'S OFFICE, NEW YORK, May 4, 1876.

To the Hon. J. F. Rusk, Chairman of the Committee on the Judiciary, House of Representatives, Washington, D. C.

SIR—After as much consultation with my associate directors of this company as has been practicable in the brief time allowed in your letter of the 25th of April, I find me unable at this time to submit, as requested therein, a new money proposition for the creation of a sinking fund to meet the eventual liability of the company to the government under the second mortgage, but should any such proposition proceed from your committee, or in any way from the company, I would be glad to give it my candid and careful consideration, with a view to its acceptance, if found to be fair and just to the other creditors and to the stockholders of the company. In this direction appears from the fact that before the recent decision of the Supreme Court of the United States, that the company was to be held liable for the second mortgage are reimbursable to the government until the maturity of the bonds, thirty years from the date of issue, the company was making sinking fund payments of about \$1,000,000 annually, and \$500,000 annually for ten years, \$150,000 annually for the next ten years and \$100,000 annually thereafter.

This offer, which was favorably considered by the Executive and transmitted to Congress by the subsequent decision of the Supreme Court, proves the company's desire to do all that it fairly ought in order to prepare to meet its indebtedness to the United States by the time it becomes due.

Seeing that the committee of your committee that it would be inexpedient to accept, on account of the company's future indebtedness, a reconveyance of any of the lands granted to the company, and that the aid of the construction of the road, we trust, will on a further examination of the subject be reconsidered and a different conclusion reached. The company will give its aid to the government on the maturity of the bonds about the year 1907 is so large that annual sinking fund payments in money sufficient to pay the interest on the bonds will be a large and reasonable means of the company. There must, therefore, in any settlement be either an extension of time for the maturity of the bonds, or a reconveyance of the lands to the government of the whole or a part of the lands granted to the company, which, although it would be a great relief to the company, would not produce cash returns with the rapidity which was first expected. If by more rapid settlement of the company's debt and by the aid of the government, larger cash returns were secured the company would be better able to make larger annual sinking fund payments to the government, but in the absence of such rapid settlement such payments cannot safely be attempted. The land grant to this company was made in 1862, and the total sales to date have been about 12,000,000 acres; the total sales to date have been about 12,000,000 acres, leaving nearly 11,000,000 acres unsold. The average price realized has been \$4.47 per acre. Manifestly the land grant to the company has not been so immediately productive as was expected. Why, then, should not the lands constituting the only gift from the government to the company, and which it must have intended to use for the purpose of the government to the company, be utilized in any agreement with the company?

I do not expect in this letter to enter as fully as I might into additional arguments favoring the settlement to include the transfer of lands to the government, which can be better suggested by the committee desirous to entertain the subject. Briefly, however, I may suggest that the opening to pre-emption of lands to the public, and the largely relied on government lands of several million of acres along our railroad line cannot fail to gratify the people of the country; that the efforts made in the States and Territories to improve arable lands upon the railroad lands in advance of other surveys, sales or settlements, which largely reduce the value of the lands now owned by the company, and especially that the lands now are no security whatever to the government, its second mortgage being largely unsecured, and that the proceeds will have been applied otherwise than in payment of the United States.

A recent sale of 100,000 acres of land at the government price of \$2.50 per acre amounts to \$250,000, yet as this latter will be thus discharged twenty-one years hence, the government will receive only \$2.50, and the above quantity of lands valued at less than \$1 per acre is sufficient to meet it. As the company is thus willing to concede to the government the right to sell the land at \$2.50 per acre, or more if desired of its lands at the price of \$2.50 per acre, and to make in addition such annual sinking fund payments as will cancel

the whole debt at maturity, in 1897, or, if this settlement is not agreeable to Congress, is willing to consider any proposition which may be made by the government with a disposition to accept of its terms, and its other obligations will permit, I have to express the hope that in no case will Congress lend itself to the passage of harsh, forcible or hostile measures against the company. The government has only a second mortgage. Any blow at the company's credit is an injury to the government and diminishes its chances of collecting its debt, which would be a great loss to the country. The government's aid to the company, assuming that its loan of bonds will be eventually repaid, is only the loan, from which the company has a right to demand a second mortgage. For this donation of only \$3,000,000 the government has secured the construction of a railroad 1,000 miles long, giving employment to 100,000 men, and the total cash saving to the country of \$10,000,000. It has control at all times, but particularly in time of war, for postal, military and other purposes.

The road was required to be built by July 1, 1875. It was actually opened for traffic more than six years in advance of that date, the last 600 miles being surveyed and constructed between May, 1868, and May, 1869, the cash saving to the government on expense of transportation during those six years alone being more than the whole government donation has produced to the company to date, and the total cash saving during the thirty year term of the mortgage being certain to be more than the amount of the government bonds loaned to the company.

This rapid construction of the road during and after the war, while the highest possible prices for labor and material prevailed, made the cost of the road treble what it would have been had it been constructed during those six years alone being more than the whole government donation has produced to the company to date, and the total cash saving during the thirty year term of the mortgage being certain to be more than the amount of the government bonds loaned to the company.

Believing that your committee will deem the proposition of the company fair and reasonable, I have the honor to be, very respectfully, Sir, your obedient servant, SIDNEY DILLON, President.

THE NAVAL APPROPRIATION BILL—REDUCTIONS PROPOSED BY THE COMMITTEE—CERTAIN NAVY LAIDS TO BE PRACTICALLY CLOSED.

The sub-committee reported the Naval Appropriation bill to the full Committee on Appropriations to-day. Several unimportant changes were made, some of the items being cut down still more and others increased, making an increase in the total amount in the bill of \$270,000. The bill as prepared appropriates about \$12,800,000. The bill last year appropriated \$17,000,000 and there was also a deficiency bill for about \$1,000,000 for expenditures in the navy department, making a total of \$18,000,000, or \$5,200,000 more than the present bill. The reductions in this bill are general and cover all branches of the service except the pay of officers and seamen, which is not touched. It provides for stopping enlistments about the number of seamen is reduced from 8,600 to 7,500 in the navy, and the marine corps to 1,500 men and 10 officers. It provides that the bulk of all work for the coming year shall be done at the navy yards at Brooklyn, League Island, Norfolk and Mare Island, and practically closes work at the Kittery, New London, Charleston, Washington and Pensacola navy yards, and calls upon the Secretary of the Navy to submit to Congress some plan for disposing of the yards last named.

For labor at all of the navy yards, magazines and stations, in fitting ships for sea and in preserving ordnance material, \$125,000 is appropriated.

The Secretary of the Navy is directed to report at the next session of Congress the best method of making sales of the naval hospitals at Annapolis and Washington; the same are to be closed during the coming year.

THE ORIGINAL DECLARATION OF INDEPENDENCE AT THE CENTENNIAL EXHIBITION.

Some time ago the President directed the Secretary of the Interior to send to Philadelphia the original Declaration of Independence to be exhibited at the Centennial Exhibition. To-day, at the solicitation of General James H. McBride, who arrived here this morning for the purpose, the order was given to the order and directed that it be sent to Colonel Frank Ritting, at Philadelphia, to be exhibited in Independence Hall during the entire time of the Exhibition. Mr. C. G. Bell, Chief Clerk of the Interior Department, will start to-morrow morning on the limited express with the original document, and General McBride left here to-night to make arrangements with the city authorities for ordering the military for the proper arrival in Philadelphia to-morrow afternoon.

THE MOST EXTENSIVE INVESTIGATION—MR. COWLES TO APPEAR BEFORE THE COMMITTEE.

George A. Cowles arrived here to-day from California, as a voluntary witness before the Clymer Committee in the investigation regarding the preservation of army clothing and equipment by the firm of A. Cowles & Co. The committee asked Mr. Cowles to postpone his evidence for a week. He is desirous of a speedy hearing, as he alleges he can reply by overwhelming evidence any and all charges affecting either his personal honor or that of his company.

THE ARRANGEMENTS FOR CARRYING THE MEMBERS OF CONGRESS TO THE OPENING OF THE CENTENNIAL EXHIBITION.

The Chairman of the Centennial Committee received a telegram to-day from Colonel Thomas A. Scott, saying that he had been called to Philadelphia to make arrangements with the Philadelphia, Wilmington and Baltimore Railroad Company to send a special train to convey members of Congress and other invited guests to the opening of the Centennial Exhibition. Colonel Scott, however, added that he had concluded arrangements by which there will be two special trains from the Baltimore and Potomac station on Tuesday next, the first to leave at twelve o'clock and the second at half-past three P. M. The trains will go by way of York and Lancaster over a road owned through its entire length from Washington to Philadelphia by the Pennsylvania Railroad Company. The route is only an hour as a half longer than that by way of Wilmington.

ALABAMA CLAIMS.

WASHINGTON, D. C., May 5, 1876.

In the Court of Commissioners of Alabama Claims to-day the following judgments were announced:

Case 1,514, Frank Williams, \$257; case 1,517, Isaac C. West, \$449; case 1,518, James K. Higgins, \$374; case 1,553, V. F. Healey, \$357; case 1,602, Delany D. Wilcox, \$229; case 1,554, John Healey, \$623.26; case 1,555, John Healey, \$229; case 1,556, John Healey, \$229; case 1,557, John Healey, \$229; case 1,558, John Healey, \$229; case 1,559, John Healey, \$229; case 1,560, John Healey, \$229; case 1,561, John Healey, \$229; case 1,562, John Healey, \$229; case 1,563, John Healey, \$229; case 1,564, John Healey, \$229; case 1,565, John Healey, \$229; case 1,566, John Healey, \$229; case 1,567, John Healey, \$229; case 1,568, John Healey, \$229; case 1,569, John Healey, \$229; case 1,570, John Healey, \$229; case 1,571, John Healey, \$229; case 1,572, John Healey, \$229; case 1,573, John Healey, \$229; case 1,574, John Healey, \$229; case 1,575, John Healey, \$229; case 1,576, John Healey, \$229; case 1,577, John Healey, \$229; case 1,578, John Healey, \$229; case 1,579, John Healey, \$229; case 1,580, John Healey, \$229; case 1,581, John Healey, \$229; case 1,582, John Healey, \$229; case 1,583, John Healey, \$229; case 1,584, John Healey, \$229; 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case 1,841, John Healey, \$229; case 1,842, John Healey, \$229; case 1,843, John Healey, \$229; case 1,844, John Healey, \$229; case 1,845, John Healey, \$2